



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,024	09/24/2003	David Sheldon Hooper	06769.P002X	7853

7590 06/07/2007
James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
----------	--------------

2179

MAIL DATE	DELIVERY MODE
-----------	---------------

06/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,024

Applicant(s)

HOOPER ET AL.

Examiner

TuyetLien (Lien) T. Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7, 9-11, 14, 15, 17-25, 28-36 and 38-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9-11, 14, 15, 17-25, 28-36 and 38-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-3, 6-7, 9-11, 14-15, 17-19, 23-25, 29-30, 34-36, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et. al. (Pub No. US 2004/0189707 A1, hereinafter Moore) in view of <http://Fototime.com/ftweb/fahelp/> (published web pages, "212.htm", '138.htm', '210.htm', hereinafter Fototime).**

As to claims 1, 9, and 17, Moore teaches:

A computer readable storage medium containing instructions which when executed implement a system for operation and visualization of multiple content filters (a system for filtering and organizing items from computer memories, see [0013] and Fig. 1), the medium comprising:

instructions for a plurality of interfaces for content filters that filter a catalog of assets (e.g., see [0013], [0018] and Fig. 36 items 971-975), each interface including at least one control for setting at least one content filter parameter (i.e., see Fig. 28 item 623A), the content filters including a category based filter (e.g., see items 610 and 625 in Fig. 10) and a file folder based filter (e.g., see item 616 in Fig. 18);

instructions for a filter activation interface for displaying the content filter parameter setting (e.g., see items 610-626 in Fig. 10); wherein each content filter can be independently activated or de-activated without affecting the activation status and parameter settings of the other content filters (e.g., filters 624, 625 as shown in Fig. 10 can be independently activated or de-activated without affecting the activation status and parameter of filter 623, see Fig. 10); and

instructions for a display interface for viewing a result of application of the activated content filters to the catalog of assets (i.e., the display 600 only shows items that corresponds to the filter term, see [0015] lines 4-7 and Fig. 12);

Moore further teaches a display interface for activating or de-activating a content filter (i.e., selecting an option from the drop-down menu list of the filter 624 would activate the filter 624, see Fig. 10). Moore does not expressly teach displaying corresponding checkboxes, each checkbox being used for activating or de-activating its corresponding content filter.

Fototime teaches a filter activation interface for displaying corresponding checkboxes, each checkbox being used for activating or de-activating its corresponding content filter,

Art Unit: 2179

wherein each content filter can be independently activated or de-activated without affecting the activation status and parameter settings of the other content filters (e.g., see Advanced Filters as shown in Figure on web page 212.htm).

Moore and Fototime are analogous art because they are from the same field of endeavor of filtering, organizing, and displaying photos based on common elements. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the filter activation feature using check boxes menu as taught by Fototime to the system of filtering digital items as taught by Moore to create a more user-friendly and more user-convenient graphical user interface to ultimately attract more users (see Fototime Figure on page 212.htm).

As to claims 18, 29, and 40, Moore teaches:

A computer readable storage medium containing instructions which when executed implement a system for retrieval of digital assets having metadata associated therewith (metadata-based view system, see [0065] and Fig. 1), the medium comprising: instructions for an interface for generating a plurality of metadata constraints (i.e., date filter 622, category filter 625, see Fig. 10; it is noted that filters are defined as metadata constraints, see [0014]), wherein each constraint sets at least one value for metadata property (e.g., see item 621 in Fig. 10), for modifying values associated with the generated metadata constraints (e.g., quick links, see [0016]); wherein each metadata constraint can be independently activated or de-activated without affecting the activation status and settings of the other metadata constraints (e.g., filters 624, 625 as shown in Fig. 10 can be independently activated or de-activated without affecting the activation status and parameter of filter 623, see Fig. 10);

Art Unit: 2179

instructions for a query processor (folder processor, see step 324 Fig. 4) for applying the activated metadata constraints (e.g., the folder processor constructs a query object based on metadata constraints and then passes it to a database, see [0089] lines 8-10); and

instructions for a display interface (display area located on the right side of the display 600, see Fig. 12) for viewing a result of said query processor (i.e., the display area only shows items that corresponds to the filter term, see [0015] lines 4-7).

Moore further teaches an interface for selectively activating or de-activating the generated metadata constraints (i.e., selecting an option from the drop-down menu list of the filter 624 would activate the filter 624, see Fig. 10). Moore does not expressly teach checking or un-checking checkboxes corresponding to the constraints;

Fototime teaches a filter activation interface for displaying corresponding checkboxes, each checkbox being used for activating or de-activating its corresponding content filter, wherein each content filter can be independently activated or de-activated without affecting the activation status and parameter settings of the other content filters (e.g., see Advanced Filters as shown in Figure on web page 212.htm). Therefore, it would have been obvious to one of ordinary skill in the art to have implemented a function of displaying checkboxes corresponding with filters to allow a user to select or unselect a filter as taught by Fototime to metadata constraint as taught by Moore for the same reasons as discussed with respect to claims 1, 9, and 17 above.

As to claims 2 and 10, Moore further teaches wherein the content filters are filters for digital files (i.e., documents, photo, video, see Fig. 36 items 971-973).

As to claims 3 and 11, Moore further teaches wherein the content filters are filters for digital image files (i.e., photo, see Fig. 36 item 972).

As to claims 6 and 14, Moore further teaches wherein the content filters include a calendar based filter (items 622 and 623, see Fig. 10).

As to claims 7 and 15, Fototime further teaches wherein the content filters include a geographical position based filter (e.g., 'Trips to Europe', see Group Filter on page 138.htm). Thus, combining Moore and Fototime would meet the claimed limitation for the same reasons as discussed with respect to claims 3 and 11 above.

As to claims 19 and 30, Moore further teaches wherein metadata includes file system data (type of file information, see [0074] lines 3-4 and Fig. 36).

As to claims 23 and 34, Moore further teaches wherein the plurality of metadata constraints (i.e., filter term, see [0014] lines 7-12) include at least one constraint (category filter 625, see Fig. 10) on category metadata (e.g., category filter 625 allows a user to filter according to a selected category information, see [0104] lines 12-15).

As to claims 24 and 35, Moore and Fototime teach the limitation of claims 18 and 29 for the same reasons as discussed with respect to claims 18 and 29 above. Moore further teaches wherein the plurality of metadata constraints include at least one constraint on property metadata (filter terms are built based on metadata properties, see [0014] lines 7-12).

As to claims 25 and 36, Moore further teaches wherein said interface is used for saving a group of at least one metadata constraint as a filter (i.e., a user might filter down to all of the document that they modified in January 2003, and then could save that as a quick link 'January Work', see [0016] lines 9-12).

Art Unit: 2179

As to claim 38, Moore further teaches modifying at least one value associated with at least generated metadata constraint (i.e., users can modify 'All document' quick link and create their own one - 'January 2003', see Fig. 20 and [0016]).

4. Claims 28, 39, 41-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Fototime and further in view of Smith (Pub No US 2003/0039408 A1; hereinafter Smith).

As to claims 41, 46 and 51, Moore teaches:

A computer readable storage medium containing instructions which when executed implement a system for operation and visualization of multiple content filters (a system for filtering and organizing items from computer memories, see [0013] and Fig. 1), comprising:

instructions for a plurality of filter interfaces for setting parameters of corresponding content filters that filter a catalog of assets (e.g., see [0013], [0018] and Fig. 36 items 971-975);

instructions for a catalog filter for applying the active filters to filter the catalog of assets (i.e., the display 600 only shows items that corresponds to the filter term, see [0015] lines 4-7 and Fig. 12).

While Moore teaches that each filter having a display interface for activating or de-activating a content filter and each filter interface having a display generator for rendering a user interface display (i.e., selecting an option from the drop-down menu list of the filter 624 would activate the filter 624, see Fig. 10), Moore does not expressly teach each content filter having an activation status of being in an active or inactive state.

Fototime teaches a filter activation interface for filtering photos so that only photos that meet the criteria of the filters selected by the user will be displayed; wherein the interface having multiple filter interface, each filter having an activation status of being in an active or inactive

Art Unit: 2179

state and each filter having button being used for activating or de-activating its corresponding content filter, wherein each content filter can be independently activated or de-activated without affecting the activation status and parameter settings of the other content filters (e.g., see Advanced Filters as shown in Figure on web page 212.htm) and wherein a content filter is not automatically de-activated when another content filter is activated (e.g., see Fototime Figure on page 212.htm; note that activate "Picture Date" filter does not affect the activation of the other filters such as "Text Filter", "Web", "Other Filter"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the filter activation feature using button menu as taught by Fototime to the system of filtering digital items as taught by Moore to create a more user-friendly and more user-convenient graphical user interface to ultimately attract more users that allows each content filter to have an activation status of being in an active or inactive state.

However, Moore and Fototime do not teach that:

each content filter having a lock status of being in a locked or an unlocked state, wherein at least one such user interface display for a content filter is dependent upon the lock states of the other content filters, and wherein (i) an unlocked content filter is automatically de-activated when another content filter is activated, and (ii) a locked content filter is not automatically de-activated when another content filter is activated;

Smith teaches a user interface including plurality of control setting buttons (e.g., sliders 131, 141 as shown in Fig. 2) and lock selectors for preserving the setting status of each control setting buttons (e.g., if the user selects the "lock in" 132, 142 for an image, the quality setting for that image is no longer changed by the system, see [0024]) and for displaying lock status of being in a locked or an unlocked state of each texture image setting (e.g., items 132, 142 as shown in Fig. 2);

wherein at least one such user interface display for a control setting button is dependent upon the lock states of the other control buttons, and wherein (i) an unlocked control setting button is automatically adjusted when a lock selector of another control setting button is locked, and (ii) a locked control setting button is not automatically adjusted when the lock selector of another control setting button is locked (e.g., once the user locks in a setting, that setting will not change when other settings are changed by the system, see [0024]).

instructions for a lock processor for setting the lock status of at least one control setting buttons for each texture image setting (e.g., see Fig. 2 and [0024]).

Therefor, it would have been obvious to one of ordinary skill in the art to have implemented a feature of locking or unlocking a current setting for a control setting button as taught by Smith to the system of filtering digital items as taught by Moore and Fototime to meet these limitations in order to obtain a more user-friendly graphical user interface that has the ability to easily retaining detail setting for a particular control button that is important while releasing other settings that are not needed by activating or deactivating a locking button.

As to claims 28 and 39, Moore and Fototime teach the limitation of claims 18 and 38 for the reasons as discussed with respect to claims 18 and 38 above. Fototime further teaches a content filter is not automatically de-activated when another content filter is activated (e.g., see Fototime Figure on page 212.htm; note that activate "Picture Date" filter does not affect the activation of the other filters such as "Text Filter", "Web", "Other Filter"). However, Moore and Fototime fail to expressly teach a filter or constraint lock processor for locking at least one metadata constraint when other metadata constraints are activated, de-activated or modified.

Smith, though, teaches a user interface including plurality of control setting buttons (e.g., sliders 131, 141 as shown in Fig. 2) and lock selectors for preserving the setting status of each control setting buttons (e.g., if the user selects the "lock in" 132, 142 for an image, the quality

Art Unit: 2179

setting for that image is no longer changed by the system, see [0024]) and for setting a lock status of at least one control setting so as to preserve the setting when another setting for the other controls is adjusted. Thus, combining Moore, Fototime and Smith would meet the claimed limitations for the same reasons as discussed with respect to claims 41 above.

As to claims 42-43 and 47-48, Smith further teaches wherein the at least one user interface display contains at least one alphanumeric string dependent upon the lock status of another setting control button for each image and wherein the alphanumeric string is a statistic about the current setting for each texture image setting according to locked state of the other setting controls (e.g., see [0021], [0022] and item 133, 143 in Fig. 2). Thus, combining Moore, Fototime and Smith would meet the claimed limitations for the same reasons as discussed with respect to claims 41 above.

As to claims 44-45 and 49-50, Smith further teaches wherein parameters of the setting control buttons are set in a sequential order and wherein said lock processor locks/unlocks previously set setting control buttons (e.g., see Fig. 2 and [0022]). Thus, combining Moore, Fototime and Smith would meet the claimed limitations for the same reasons as discussed with respect to claims 41 above.

5. Claims 20-22, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Fototime further in view of Drucker.

As to claims 20 and 31, Moore and Fototime teach the limitation of claims 18 and 29 for the reasons as discussed with respect to claims 18 and 29 above. Moore and Fototime fail to expressly teach that metadata includes data assigned by a capture device.

Art Unit: 2179

Drucker teaches wherein metadata includes data assigned by a capture device (intrinsic metadata such as creation date, see [0006] lines 7-12; i.e., a creation date of a photo is embedded by a digital camera when the photo is taken).

Moore, Fototime, and Drucker are analogous art because they are from the same field of endeavor of filtering, organizing, and displaying photos based on common elements. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the filtering component based on intrinsic metadata as taught by Drucker to the system of filtering digital items as taught by Moore and modified by Fototime for facilitating browsing, sorting, clustering, and filtering any number of digital documents with metadata embedded grouped together in a quick and easy manner (see Drucker [0006] lines 1-4).

As to claims 21 and 32, Moore and Fototime teach the limitation of claims 18 and 29 for the reasons as discussed with respect to claims 18 and 29 above. Moore and Fototime fail to expressly teach that metadata includes user assigned data.

Drucker teaches wherein metadata includes user assigned data (extrinsic metadata such as creation date, see [0006] lines 7-12; it should be noted that extrinsic metadata for a media object can be assigned by a user, see [0006] lines 11-13). Thus, combining Moore, Fototime, and Drucker would meet the claimed limitation for the same reasons as discussed with respect to claims 20 and 31 above.

As to claims 22 and 33, Moore and Fototime teach the limitation of claims 18 and 29 for the reasons as discussed with respect to claims 18 and 29 above. Moore and Fototime fail to expressly teach that metadata constraints include constraints on date and time metadata.

Drucker teaches wherein the plurality of metadata constraints include at least one constraint on date and time metadata (i.e., time clusters scroll bar 1930, see Fig. 24 and

Art Unit: 2179

[0126]). Thus, combining Moore, Fototime, and Drucker would meet the claimed limitation for the same reasons as discussed with respect to claims 20 and 31 above.

Response to Arguments

6. Applicant's arguments filed 04/12/07 have been fully considered but they are moot in new ground of rejections.

- Applicant's argument that the prior art of Moore and Fototime fail to teach that the limitation of independently activating or deactivating each filter without affecting the activating statuses of the other filters.

The Examiner respectfully disagrees.

The prior art of Moore teaches that a display interface for activating or de-activating a content filter independently (i.e., selecting an option from the drop-down menu list of the filter 624 would activate the filter 624, see Fig. 10; note that this action would activate the filter 624 without affecting the activating status and parameter settings of the other content filters). In addition, Fototime clearly teaches that each content filter can be independently activated or de-activated without affecting the activation status and parameter settings of the other content filters (e.g., see Advanced Filters as shown in Figure on web page 212.htm).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Art Unit: 2179

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art: In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
6/05/2007

Lien Tran
Examiner
Art Unit 2179

BA HUYNH
PRIMARY EXAMINER